

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NIPPON SHINYAKU CO., LTD.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 21-1015 (GBW)
)	
SAREPTA THERAPEUTICS, INC.,)	
)	
Defendant.)	
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SAREPTA THERAPEUTICS, INC.,)	
)	
Defendant/Counter-Plaintiff,)	
)	
v.)	
)	
NIPPON SHINYAKU CO., LTD.)	
and NS PHARMA, INC.)	
)	
Plaintiff/Counter-Defendants.)	

**SAREPTA THERAPEUTICS, INC.’S MOTION TO AMEND
THE ANSWER, DEFENSES, AND COUNTERCLAIMS
TO NIPPON SHINYAKU CO., LTD.’S SECOND AMENDED COMPLAINT**

Pursuant to Fed R. Civ. P. 15(a)(2) and Paragraph 2 of the Scheduling Order (D.I. 143), Counter-Plaintiff/Defendant Sarepta Therapeutics, Inc. (“Sarepta”) hereby moves for leave to file a First Amended Answer, Defenses, and Counterclaims (“First Amended Answer”) to add The University of Western Australia (“UWA”) as a counter-plaintiff on Sarepta’s infringement counterclaims in this action. The grounds for this motion are fully set forth in Sarepta’s letter brief in support of its motion, filed concurrently herewith.

A copy of Sarepta’s and UWA’s (collectively, “Counter-Plaintiffs”) proposed First Amended Answer is attached as Exhibit 1, and a blackline version of the proposed First Amended Answer indicating the changes from the prior pleading is attached as Exhibit 2.

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RULE 7.1.1 CERTIFICATE

Pursuant to D. Del. LR 7.1.1, counsel (including Delaware counsel) for Sarepta and Nippon Shinyaku had several written communications about the subject matter of this motion and met and conferred by telephone on March 9, 2023 and again on March 17, 2023, but the parties were unable to reach agreement on the subject matter of this motion.

/s/ Megan E. Dellinger

Megan E. Dellinger (#5739)

CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2023, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on March 21, 2023, upon the following in the manner indicated:

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